



January 28, 2020

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VIA ECF

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The Honorable Sarah Netburn
Thurgood Marshall United States Courthouse
40 Foley Square
Room 430
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

As Your Honor is aware, this firm represents the plaintiffs in *Federal Insurance Co., et al. v. al Qaida, et al.*, No. 03-cv-06978, one of the cases comprising this multi-district litigation proceeding. We write in response to the January 27, 2020 letter of Barry Salzman, Esquire, ECF # 5746, on behalf of plaintiffs in the following newly filed actions: *Mandelkow, et al. v. Islamic Republic of Iran*, 20-cv-315 (S.D.N.Y.); *Alcibes v. Islamic Republic of Iran*, 20-cv-320 (S.D.N.Y.); *Anderson et al. v. Islamic Republic of Iran*, 20-cv-354 (S.D.N.Y.); *Ahearn v. Islamic Republic of Iran*, 20-cv-355 (S.D.N.Y.); *Asciutto v. Islamic Republic of Iran*, 20-cv-411 (S.D.N.Y.); *Amin v. Islamic Republic of Iran*, 20-cv-412; *Basci v. Islamic Republic of Iran*, 20-cv-415 (S.D.N.Y.); and *Cloud v. Islamic Republic of Iran*, 20-cv-416 (S.D.N.Y.).

As the Court is aware, recent filings submitted in those cases identify each of those new actions as a “member case of *Federal Insurance Co., et al. v. Al Qaida, et al.*, No. 03-cv-06978.”¹ Further, declarations in support of those default applications imply that they have in some way been submitted on behalf of the *Federal Insurance* plaintiffs. For example, the declaration in the *Mandelkow* case designates it is on behalf of the “the *Mandelkow (Ashton and Federal Insurance)* plaintiffs.” *Mandelkow*, 20-cv-315, ECF # 5.

In his January 27, 2020 letter, Mr. Salzman attempts to defend these designations by arguing that the “*Mandelkow* Plaintiffs should be treated as part of the *Ashton* and *Federal Insurance* group of victims” and as “member cases” of *Ashton* and *Federal Insurance* because the plaintiffs in these newly filed actions have filed short form complaints against Iran, adopting the allegations from the *Ashton* and *Federal Insurance* complaints. This is manifestly incorrect.

¹ See *Mandelkow*, 20-cv-315, ECF # 5; *Alcibes* 20-cv-340, ECF # 5; *Anderson*, 20-cv-354, ECF # 4; *Ahearn*, 20-cv-355, ECF # 3; *Asciutto*, 20-cv-411, ECF # 4; *Amin*, 20-cv-412, ECF # 4; *Basci*, 20-cv-415, ECF # 4; and *Cloud*, 20-cv-416, ECF # 4.

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The newly filed *Mandelkow* cases are not “member cases” of *Federal Insurance*, and there is no basis for the plaintiffs in these cases to represent that their default papers are in any way being submitted on behalf of the *Federal Insurance* plaintiffs. While the short form complaint procedure adopted by the Court allows new plaintiffs to adopt allegations against Iran from the *Federal Insurance* and *Ashton* Complaints, that procedure in no way incorporates new actions into earlier filed cases.

To avoid any confusion, we would respectfully request that the Court direct counsel for plaintiffs in these newly filed actions to amend the filings that wrongly identify their cases as “member cases” of *Federal Insurance* and/or designate the filings as associated with the *Federal Insurance* action, to eliminate any such incorrect language.

Respectfully submitted,

COZEN O’CONNOR



By: Sean P. Carter

SPC:pak

cc: All Counsel of Record (*via ECF*)